



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 24, 2020

COUNCIL DISTRICT: 4

SUBJECT: FILE NOS. PDC17-046, PD19-022, AND PT17-047: REZONING FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO A PLANNED DEVELOPMENT ZONING DISTRICT TO FACILITATE A DEVELOPMENT WITH SIX SINGLE-FAMILY ATTACHED RESIDENCES, A TENTATIVE MAP TO ALLOW THE SUBDIVISION OF ONE LOT INTO SIX RESIDENTIAL LOTS AND ONE COMMON LOT, AND A PLANNED DEVELOPMENT PERMIT FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE, TWO-CAR GARAGE, AND SHED, THE REMOVAL OF FIVE ORDINANCE-SIZE TREES, AND THE CONSTRUCTION OF SIX SINGLE-FAMILY ATTACHED RESIDENCES ON AN APPROXIMATELY 0.46-GROSS ACRE SITE LOCATED ON WEST SIDE OF NORTH CAPITOL AVENUE, APPROXIMATELY 240 FEET NORTHERLY OF PENITENCIA CREEK ROAD

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council:

- a. Consider the exemption, in accordance with the California Environmental Quality Act (CEQA) Section 15303(b);
- b. Adopt an ordinance of the City of San José rezoning certain real property located at the west side of North Capitol Avenue, approximately 240 feet northerly of Penitencia Creek Road (907 North Capitol Avenue) from the R-M Multi-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District to allow up to six single-family attached residences on an approximately 0.46-gross acre site;
- c. Adopt a resolution approving, subject conditions, a tentative map to subdivide one parcel into seven parcels consisting of six residential parcels and one common area parcel on an approximately 0.46-gross acre site.
- d. Adopt a resolution approving, subject to conditions, a Planned Development Permit to demolish an existing single-family residence, two-car garage, and shed totaling 2,400 square feet, the removal of five ordinance-size trees, and the construction of six single-family attached residences on an approximately 0.46-gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, Tentative Map, and Planned Development Permit, the applicant would be able to subdivide the property into seven parcels, including six residential parcels and one common area parcel. The applicant would be able to move forward with demolition and building permits to demolish the on-site structures, remove five ordinance-size trees, and construct six single-family attached residences on the subject site.

BACKGROUND

On November 18, 2020, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning, Tentative Map, and Planned Development Permit, which appeared on the Consent Calendar of the Agenda. No members of the public spoke on the proposed project.

The Planning Commission voted, with no separate discussion, 7-0-0, to recommend approval, as was recommended by staff, to the City Council as part of the consent calendar.

ANALYSIS

A complete analysis of the project and its conformance to the General Plan, Planned Development Zoning District, City Council Policies, Residential Design Guidelines and CEQA, is contained in the attached Planning Commission Staff Report.

CONCLUSION

The Planning Commission unanimously recommended approval of the project, as was recommend by Staff to City Council.

EVALUATION AND FOLLOW-UP

If the project is approved, the applicant would be able to subdivide the property into seven parcels, including six residential parcels and one common area parcel with a Final Map. The applicant would also be able to move forward with the building permit process to demolish the on-site structures, remove five ordinance-size trees, and construct six single-family attached residences on the subject site.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals. The project would:

- Increase the density of new development (persons/jobs/acre)
- Facilitate the energy and water efficiency of homes

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City's website. The project was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office.

CEQA

Under the provisions of Section 15303(b) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. CEQA Guidelines Section 15303(b) New Construction or Conversion of Small Structures, Class 3, consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of the exemption include but are not limited to a duplex or similar multi-family residential structures totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. A complete analysis is contained in the attached staff report.

/s/
ROSALYNN HUGHEY, Secretary
Planning Commission

For questions please contact Robert Manford, Planning Official, at robert.manford@sanjoseca.gov.

Attachment: [Planning Commission Staff Report](#)